

# Union Calendar No. 115

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1604

[Report No. 111-211]

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mrs. DAVIS of California (for herself, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. FARR, Mr. WILSON of Ohio, Ms. NORTON, Mr. LOEBSACK, Mr. YARMUTH, Mr. FILNER, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Ms. WATSON, Mr. WALZ, Mr. HINCHEY, Mrs. CAPPs, Ms. PINGREE of Maine, Mr. ISRAEL, Mr. HOLT, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. MASSA, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. CARNAHAN, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. STARK, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. BOUCHER, Mr. BISHOP of New York, Mr. BERRY, and Mr. CARDOZA) introduced the following bill; which was referred to the Committee on House Administration

JULY 16, 2009

Additional sponsors: Mrs. MALONEY, Mr. MICHAUD, Mr. WU, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. PETERSON, Mr. BERMAN, Mr. ROTHMAN of New Jersey, Mr. SESTAK, Mr. BLUMENAUER, Mr. HIGGINS, Mr. ARCURI, Mr. CLAY, Mr. COURTNEY, Mrs. MCCARTHY of New York, Mr. HARE, Mr. GRAYSON, and Mr. GUTIERREZ

JULY 16, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 19, 2009]

# **A BILL**

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Universal Right to Vote*  
5 *by Mail Act of 2009”.*

6 **SEC. 2. FINDINGS.**

7        *Congress finds the following:*

8            (1) *An inequity of voting rights exists in the*  
9 *United States because voters in some States have the*  
10 *universal right to vote by mail while voters in other*  
11 *States do not.*

12            (2) *Many voters often have work, family, or*  
13 *other commitments that make getting to polls on the*  
14 *date of an election difficult or impossible. Under cur-*  
15 *rent State laws, many of these voters are not per-*  
16 *mitted to vote by mail.*

17            (3) *28 States currently allow universal absentee*  
18 *voting (also known as “no-excuse” absentee voting),*  
19 *which permits any voter to request a mail-in ballot*  
20 *without providing a reason for the request, and no*  
21 *State which has implemented no-excuse absentee vot-*  
22 *ing has switched back.*

23            (4) *Voting by mail gives voters more time to con-*  
24 *sider their choices, which is especially important as*  
25 *many ballots contain greater numbers of questions*

1       *about complex issues than in the past due to the ex-*  
2       *panded use of the initiative and referendum process*  
3       *in many States.*

4             (5) *Allowing all voters the option to vote by mail*  
5       *can lead to increased voter participation.*

6             (6) *Allowing all voters the option to vote by mail*  
7       *can reduce waiting times for those voters who choose*  
8       *to vote at the polls.*

9             (7) *Voting by mail is preferable to many voters*  
10       *as an alternative to going to the polls. Voting by mail*  
11       *has become increasingly popular with voters who*  
12       *want to be certain that they are able to vote no mat-*  
13       *ter what comes up on Election Day.*

14            (8) *No evidence exists suggesting the potential for*  
15       *fraud in absentee balloting is greater than the poten-*  
16       *tial for fraud by any other method of voting.*

17            (9) *Many of the reasons which voters in many*  
18       *States are required to provide in order to vote by*  
19       *mail require the revelation of personal information*  
20       *about health, travel plans, or religious activities,*  
21       *which violate voters' privacy while doing nothing to*  
22       *prevent voter fraud.*

23            (10) *State laws which require voters to obtain a*  
24       *notary signature to vote by mail only add cost and*  
25       *inconvenience to voters without increasing security.*

1 **SEC. 3. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL**  
2 **IN FEDERAL ELECTIONS.**

3 (a) *IN GENERAL.*—Subtitle A of title III of the Help  
4 America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is  
5 amended by inserting after section 303 the following new  
6 section:

7 **“SEC. 303A. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
8 **MAIL.**

9 “(a) *IN GENERAL.*—If an individual in a State is eli-  
10 gible to cast a vote in an election for Federal office, the  
11 State may not impose any additional conditions or require-  
12 ments on the eligibility of the individual to cast the vote  
13 in such election by mail, except as required under sub-  
14 section (b) and except to the extent that the State imposes  
15 a deadline for requesting the ballot and related voting mate-  
16 rials from the appropriate State or local election official  
17 and for returning the ballot to the appropriate State or  
18 local election official.

19 “(b) *REQUIRING SIGNATURE VERIFICATION.*—

20 “(1) *RECORD OF SIGNATURE REQUIRED FOR*  
21 *PROVISION OF BALLOT.*—A State may not provide an  
22 absentee ballot to an individual for an election for  
23 Federal office unless the individual’s signature is in-  
24 cluded on the official list of registered voters in the  
25 State or some other official record of the State con-  
26 nected to such list.

1           “(2) *VERIFICATION REQUIRED FOR ACCEPTANCE*  
2           *AND PROCESSING OF SUBMITTED BALLOT.*—A State  
3           may not accept and process an absentee ballot sub-  
4           mitted by any individual for an election for Federal  
5           office unless the State verifies the identification of the  
6           individual by comparing the individual’s signature  
7           on the absentee ballot with the individual’s signature  
8           on the official list or other official record referred to  
9           in paragraph (1), in accordance with such procedures  
10          as the State may adopt.

11          “(c) *RULE OF CONSTRUCTION.*—Nothing in this sec-  
12          tion shall be construed to affect the authority of States to  
13          conduct elections for Federal office through the use of polling  
14          places at which individuals cast ballots on the date of the  
15          election.

16          “(d) *EFFECTIVE DATE.*—A State shall be required to  
17          comply with the requirements of this section with respect  
18          to elections for Federal office held in years beginning with  
19          2012.”.

20          (b) *CONFORMING AMENDMENT RELATING TO EN-*  
21          *FORCEMENT.*—Section 401 of such Act (42 U.S.C. 15511)  
22          is amended by striking “and 303” and inserting “303, and  
23          303A”.

1           (c) *CLERICAL AMENDMENT.*—*The table of contents for*  
2 *such Act is amended by inserting after the item relating*  
3 *to section 303 the following new item:*

*“Sec. 303A. Promoting ability of voters to vote by mail.”.*

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